

ERNST HAEUSSERMAN

MARCH 19, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 7917]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7917) for the relief of Ernst Haeusserman, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 352 (a) (1) of the Immigration and Nationality Act shall be held to have been and to be inapplicable to the case of Ernst Haeusserman: *Provided*, That he returns to the United States to reside no later than June 28, 1962.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to permit Ernst Haeusserman, a naturalized citizen of the United States, to remain in Austria without losing his United States citizenship, provided that he returns to the United States to reside no later than June 28,

The bill has been amended to clarify the language and bring the bill into line with the facts as stated in the report of the Department of State.

GENERAL INFORMATION

This bill was introduced by Representative Celler at the request of the Deputy Director of the United States Information Agency. Mr. Washburn's letter, dated May 17, 1957, and accompanying explanation read as follows:

UNITED STATES INFORMATION AGENCY,
Washington, May 17, 1957.

Hon. EMANUEL CELLER,
*Chairman of the Committee on the Judiciary,
House of Representatives.*

DEAR MR. CELLER: I am sending you herewith in triplicate a proposed private bill for the relief of Ernst Haeusserman, together with a brief explanation of the purpose of the bill.

I am writing to assure you of the Agency's interest in the work which Mr. Haeusserman is doing in Austria and to express our appreciation for whatever you can do to insure that the proposed bill is passed so that he might continue with his cultural activities there.

Sincerely,

ABBOTT WASHBURN, *Deputy Director.*

EXPLANATION

The purpose of this bill is to permit one Ernst Haeusserman, a naturalized American citizen to continue to reside in Vienna, Austria, without the loss of his American citizenship for a period of 5 years from the date of the enactment of the bill. It is practically identical to private law 533 of the 83d Congress for the relief of Karl Ullstein.

Mr. Haeusserman is a former Austrian national who served in the United States Army from 1943 to 1946 and was then naturalized as an American citizen in Klamath Falls, Oreg. He served as an officer in the United States Information Service in Austria with distinction from 1946 to 1953, at which time he resigned to accept a position as director of the Theater in der Josefstadt in Vienna. Although the Agency was loath to accept Mr. Haeusserman's resignation, personal considerations prevailed.

In his present capacity as director of the theater, he is able to engage in a great many cultural activities which are a distinct asset to USIS/Austria in furthering its program without, at the same time, incurring the "propaganda taint" which often adheres to USIS activities.

Under section 352 (a) of the Immigration and Nationality Act, Mr. Haeusserman's American citizenship will be lost by 3 years' residence in Austria. He is presently being permitted to retain said citizenship while remaining in Austria only under a temporary exception of section 353 of the statute which will expire in June 1957. Were Mr. Haeusserman presently residing in any foreign country other than Austria under these circumstances, there would be no question that his activities would fully qualify as an exception under section 354 (2) (C) of the act, "under unique circumstances * * * directly and substantially beneficial to the interests of the United States."

The Agency strongly recommends the enactment of this legislation as a means to continue a very effective arm of its program in Austria. We are informed that Mr. Haeusserman will remove his residence from Austria if the proposed congressional relief is not forthcoming, so that it may not be said

that this legislation will continue the citizenship of one who would otherwise be amenable to its loss.

The Commissioner of Immigration and Naturalization submitted the following report on this bill:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 9, 1957.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7917) for the relief of Ernst Haeusserman, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant the beneficiary, a naturalized citizen of the United States, permission to reside in Austria until 5 years from the date of its enactment without losing his United States citizenship under section 352 (a) of the Immigration and Nationality Act which provides that a person who has become a national by naturalization shall lose his nationality by having a continuous residence for 3 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, or by having a continuous residence for 5 years in any other foreign state or states.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE ERNST HAEUSSERMAN,
BENEFICIARY OF H. R. 7917

The beneficiary was born on June 3, 1916 in Leipzig, Germany and was taken by his parents to Vienna, Austria, when he was 3 months old. His parents are now deceased. He obtained his elementary schooling and graduated from high school in Vienna, Austria. From 1933 to 1935, he was a student at the Academy of Dramatic Arts, University of Vienna, Vienna, Austria. He was engaged in theatrical work until his departure for the United States in July 1939. He was admitted to this country on August 1, 1939, as a visitor and thereafter departed on April 11, 1941. The beneficiary was admitted to the United States as a permanent resident on April 12, 1941. He acquired citizenship in the United States by naturalization on September 30, 1944, in Klamath Falls, Oreg. He was married to Hansi des Renaudes on October 15, 1940, in New York, N. Y. She was born on April 19, 1918, in Vienna, Austria. This marriage was terminated by her death in 1945. The beneficiary entered the United States Army on June 2, 1943, and was honorably discharged on February 20, 1946, with the rank of staff sergeant.

The beneficiary departed from the United States in 1946 following his discharge from the United States Army. He was employed as a film officer in the Information Services Branch, Headquarters, United States Forces in Austria, United States Army, Vienna, Austria, from July 1, 1946, to October 15, 1950. On October 16, 1950, he was appointed to the same position in the Public Affairs Division, United States Commissioner of Austria, Department of State, Vienna, Austria. He resigned from this position in 1953 and is now a theatrical producer at Cosmopol-Film and managing director of the Theater in des Josefstadt in Vienna, Austria. He is also European representative of United Artists Corp. His total monthly income is \$950. The extent of his assets or liabilities is not known.

The beneficiary was married to Susi Nicoletti on May 15, 1954, in Vienna, Austria. She was born on September 3, 1918 in Munich, Germany, and has 2 children who were born of a prior marriage. They are citizens of Austria and are now 15 and 16 years of age. The older child, Christl, is presently residing in Cornwall, England, and the younger child, Michael, now resides in Vienna, Austria. The beneficiary has not furnished any information concerning either the children or the manner in which his present wife's prior marriage was terminated.

Since 1946, the beneficiary has made several visits to the United States. His last admission was on October 18, 1956, as a United States citizen. The date of his subsequent departure is not known. He is presently residing at 84 Auhofstrasse, Vienna XIII, Austria.

On June 14, 1957, the Director of the Passport Office, submitted the following report on this legislation:

DEPARTMENT OF STATE,
Washington, June 14, 1957.

Re H. R. 7917, for the relief of Ernst Haeusserman.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: This is in response to your letter of June 8, 1957, asking for an expression of my views on H. R. 7917, for the relief of Ernst Haeusserman.

The files for this office show that Ernst Haeusserman was born in Germany on June 3, 1916, that he emigrated to the United States in March 1941, and that he was naturalized on September 30, 1944.

Mr. Haeusserman had Austrian nationality prior to his naturalization as a United States citizen. He served in our Army during World War II. He resided abroad from February 1946 to June 29, 1953, under employment with the Department of the Army. Since June 29, 1953, he has resided abroad in a private capacity, as a director of a theater in Vienna. During a portion of his foreign residence Mr. Haeusserman has been held to have brought his case under the exceptions contained in section 353 (5) of the Immigration and Nationality Act. His passport is valid until June 28, 1957, at which

time section 352 (a) (1) will become effective in his case. He has worked in close collaboration with officials of our Government engaged in disseminating information about the United States. Since Mr. Haeusserman has had Austrian nationality, however, his case cannot be considered under the provisions of section 354 (2) of the Immigration and Nationality Act.

The instant bill would permit Mr. Haeusserman to continue his residence in Austria for not to exceed 5 years, without losing his United States citizenship by such residence.

Under all the circumstances in this case, this Office interposes no objection to the enactment of this legislation.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 7917, as amended, should be enacted and accordingly recommends that the bill do pass.

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first opinion (No. 1) (1) will remain operative in this case. It has
well been established, on the basis of our investigation, that
it is impossible to determine when the actual change of status
takes place in the present case. However, the commission
is not bound by the provisions of section 351 (2) of the Internal
Revenue Code. The commission is free to determine the
date on which the change of status should be made.
The present bill would permit Mr. Thompson to continue his
residence in the United States for not to exceed a year, without being
subject to the provisions of section 351 (2) of the Internal
Revenue Code. Under all the circumstances in this case, the commission has
no objection to the enactment of this legislation.

Sincerely,

THOMAS H. HENRY,
Director, Internal Revenue Service.

Upon consideration of all the facts in this case, the commission is
of the opinion that H. R. 7917, as amended, should be enacted and
accordingly recommends that the bill do pass.